



State Water Resources Control Board



Division of Water Rights

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Linda S. Adams

Secretary for

Environmental Protection

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Governor

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 10,000 ACRE FEET OF WATER FROM THE SOUTH FEATHER WATER AND POWER AGENCY TO SEVERAL STATE WATER CONTRACT AGENCIES UNDER PERMITS 1267 AND 2492 (APPLICATIONS 1651 AND 2778)

Notice is hereby given that on March 28, 2008

South Feather Water and Power Agency
c/o Michael Glaze, General Manager
2310 Oro-Quincy Highway
Oroville, California 95966

filed with the State Water Resources Control Board (SWRCB) a Petition for Temporary Change under Water Code section 1725, et seq. South Feather Water and Power Agency's (SFWPA) petition requests the transfer of up to 10,000 acre-feet (af) of water to several State Water Contract agencies (hereinafter collectively referred to as the SWC Agencies) for use within the State Water Project (SWP) service area. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year from the date of approval.

DESCRIPTION OF THE TRANSFER

SFWPA proposes to transfer up to 10,000 af of water under Permits 1267 and 2492 (Applications 1651 and 2778) to the SWC Agencies. The SWC agencies involved in this water transfer are the Dudley Ridge Water District, the Kern County Water Agency, the Napa County Flood Control and Water Conservation District, the Metropolitan Water District of Southern California, the San Bernardino Valley Municipal Water District, the Antelope Valley East Kern Water Agency, the Palmdale Water District, and the Tulare Lake Basin Water Storage District. To facilitate the transfer, SFWPA proposes to release an additional 10,000 af of water currently stored in Little Grass Valley Reservoir and Sly Creek Reservoir and allow it to spill from the Ponderosa Reservoir directly into Oroville Reservoir (during June and July of 2008). The water would remain in storage in Oroville Reservoir for use by the SWC agencies within the SWP service area for up to one year from the date of approval of this transfer. Water would be delivered to these service areas via releases from Oroville Reservoir to the Feather River thence the Sacramento River thence the San Francisco Bay/Sacramento-San Joaquin Delta for rediversion at the Clifton Court Forebay or the Barker Slough Pumping Plant.

California Environmental Protection Agency

In the absence of this transfer, the subject 10,000 af of water would remain in storage within Little Grass Valley Reservoir and Sly Creek Reservoir for future marketing to other buyers or use by SFWPA.

PROPOSED TEMPORARY CHANGE

The proposed transfer would temporarily add the Oroville Dam, the Clifton Court Forebay, and the Barker Slough Pumping Plant as points of rediversion under Permits 1267 and 2492. The service areas of the SWP (as shown on maps 1878-1, 2, 3 & 4 on file with Application 5629) would be temporarily added to the place of use of Permits 1267 and 2492. Industrial, salinity control, fish and wildlife enhancement, water quality control, and stockwatering would be temporarily added as purposes of use under Permits 1267 and 2492.

PETITIONER'S WATER RIGHTS

Permit 1267 (Application 1651) authorizes the diversion to storage of up to 109,012 af of water per annum from the South Fork Feather River between October 1 and July 1. Permit 1267 also authorizes the direct diversion from the South Fork Feather River of up to 200 cubic feet per second (cfs) between April 1 and July 1. The point of diversion to storage for Permit 1267 is located at the Little Grass Valley Dam. Points of rediversion include the South Fork Diversion Dam, Sly Creek Dam, Lost Creek Dam, Forbestown Dam, and Ponderosa Dam. The water is used for irrigation and domestic purposes within the authorized place of use, and for recreational purposes within Little Grass Valley Reservoir, Sly Creek Reservoir, Lost Creek Reservoir, and Ponderosa Reservoir.

Permit 2492 (Application 2778) authorizes the diversion to storage of up to 25,000 af of water per annum from Lost Creek between October 1 and June 1. Permit 2492 also authorizes the direct diversion from Lost Creek of up to 50 cfs between April 1 and June 1. The point of diversion for Permit 2492 is located at the Sly Creek Dam and the point of rediversion is located at the Lost Creek Dam. The water is used for irrigation and domestic purposes within the authorized place of use, and for recreational purposes within Sly Creek Reservoir, Lost Creek Reservoir, and Ponderosa Reservoir.

Operational studies prepared by PG&E for SFWPA estimate that, absent the proposed transfer, the combined carryover storage in Little Grass Valley Reservoir and Sly Creek Reservoir would be 60,000 af. SFWPA states that the proposed transfer of up to 10,000 af of water will not impact its ability to provide either irrigation or domestic deliveries to its customers. Additionally, SFWPA's petition indicates that it intends to enter into an agreement with DWR to ensure that future refill of water transferred from storage in Little Grass Valley Reservoir and Sly Creek Reservoir does not adversely impact the SWP.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involve only water that would otherwise have been consumptively used, stored, or conserved pursuant to Water Code section 1011, by Permittee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the State Water Board cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the State Water Board may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENT

Pursuant to the requirements outlined above, the State Water Board is seeking information to assist in the evaluation of the proposed temporary change of water rights. Any person may file comments concerning the petition for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commenters should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division (if necessary) may request that the petitioner submit additional information during the comment period. Any such requests and any additional information submitted by the petitioner regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights' website at www.waterrights.ca.gov,

Water Transfer Program, Notices of Transfers and Temporary Urgency Actions. Potential commenters are strongly urged to check the website for such information prior to filing a comment.

Comments filed in response to this notice must be received in the office of the State Water Board's Division of Water Rights, at the first address listed below by **2:00 p.m. on May 27, 2008**. Additionally, a copy of the comments must be filed with SFWPA. **Comments must be accompanied by proof of service of a separate copy of the materials on the petitioner.** Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. An original copy of all materials, however, must be received for the State Water Board to consider your comments.

Division of Water Rights
c/o Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

South Feather Water and Power Agency
c/o Kathryn Petersen
2310 Oro-Quincy Highway
Oroville, CA 95966
FAX: (530) 533-3968

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the transferee should be addressed to Eric Chapman at (916) 447-7357 x209.

Original signed by

Leslie F. Grober, Chief
Hearings and Special Projects Section

Dated: April 21, 2008